R E M A R K S

Claims 20 through 23 are in the application, with Claims 20 and 21 having been amended, and with non-elected Claims 1-19 and 24-37 having been canceled. Claims 20 and 21 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections - 35 USC § 102

Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Himmelstein U.S. Publication No. 2002/0038278.

Claim 20, as now presented, is directed to a "method" that includes "displaying a first order type menu at times when a first order destination alternative is selected from an order destination menu". Claim 20 specifies that "the first order destination alternative represent[s] a first order destination" and that "the first order type menu list[s] only order type alternatives that represent order types supported by the first order destination". In addition, claim 20 further recites the step of "displaying a second order type menu at times when a second order destination alternative is selected from the order destination menu". Claim 20 further specifies that "the second order destination alternative represent[s] a second order destination" "the second order type menu list[s] only order type alternatives that represent order types supported by the second order destination", "the second order type menu [is] different from the first order type menu", "the first order destination and the second order destination are each selected from the group consisting of (a) a securities exchange, (b) a market maker, (c) an ECN, and (d) a trading market place" and "order type alternatives included in both said first and second order type menus include a market order type and a limit order type".

Support in the disclosure of this application for the new limitations of claim 20 is set forth below.

--First and second order destination alternatives representing order destinations— paragraph 48 of this application as published.

--First order type menu listing only order type alternatives that represent order types supported by the first order destination; second order type menu listing only order type alternatives that represent order types supported by the second order destination—paragraph 49 of this application as published.

--First order destination and second order destination each selected from the group consisting of (a) a securities exchange, (b) a market maker, (c) an ECN, and (d) a trading market place—paragraph 11 of this application as published.

--Order type alternatives included in both the first and second order type menus include a market order type and a limit order type—paragraph 71 of this application as published.

Applicants respectfully submit that the Himmelstein reference actually has little relevance to the subject matter of claim 20. In general terms, claim 20 provides that when a user selects a particular alternative (e.g., representing a particular securities exchange or the like) from an order destination menu, then the order type menu that is displayed lists only order types that are supported by the selected order destination. This effectively uses machine intelligence to guide the user only to select an order type that is supported by the selected order destination, and helps the user cope with the different varieties of order types that are supported by the different order destinations.

By contrast, Himmelstein is concerned with a system that allows for trading of securities on a barter basis. The user interface displays disclosed by Himmelstein do not include either an order destination menu or an order type menu, particularly if one considers how those terms are now effectively defined in claim 20. In particular, the pull down menus 503 and 507 shown in FIG. 5A of Himmelstein, and upon which the Examiner specifically relies, are clearly not order destination menus or order type menus. The pull down menu at 503 merely lists items in the trader's portfolio that are available for trading. The pull down menus at 507 do the same, but with the portfolio items divided up by category. (In this regard, the Examiner is respectfully requested to refer to paragraphs 51 and 52 of the reference.) None of the menus at 503 or 507 lists either an order type or an order destination. It is also the case that none of Himmelstein's menus lists an order type such as a market order type or a limit order type.

For all of these reasons, it is submitted that claim 20, at least as now presented, is clearly patentable over the Himmelstein reference.

Claim Rejections - 35 USC § 103

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein in view of Nordlicht et al. U.S. Publication No. 2002/0194115.

Just as the method of claim 20 helps the user deal with the fact that different order destinations support different sets of order types, the method of claim 21 helps the user deal with the fact that different financial instruments are traded on different sets of order destinations. Again it is the case that the references relied upon by the Examiner are not particularly relevant to this subject.

Specifically, as now presented, claim 21 is directed to a "method" which includes "displaying a first order destination menu at times when a first financial instrument trading symbol is displayed in an order input area of a user interface". Claim 21 specifies that "the first order destination menu list[s] only order destination alternatives that correspond to order destinations that support trading in a first financial instrument that corresponds to the first financial instrument trading symbol". Claim 21 further recites the step of "displaying a second order destination menu at times when a second financial instrument trading symbol is displayed in the order input area". In addition, claim 21 specifies that "the second order destination menu list[s] only order destination alternatives that correspond to order destinations that support trading in a second financial instrument that corresponds to the second financial instrument trading symbol", "the second order destination menu [is] different from the first order destination menu", "at least one of the order destination alternatives listed by the first order destination menu is different from each order destination alternative listed by the second order destination menu" and "each of the order destinations is selected from the group consisting of (a) a securities exchange, (b) a market maker, (c) an ECN, and (d) a trading market place".

Support in the disclosure of this application for the new limitations of claim 21 is set forth below.

--The first order destination menu lists only order destination alternatives that correspond to order destinations that support trading in the first financial instrument (corresponding to the first financial instrument trading symbol); the second order destination menu lists only order destination alternatives that correspond to order destinations that support trading in the second financial instrument (corresponding to the second financial instrument trading symbol)— paragraph 48 of this application as published.

--At least one of the order destination alternatives listed by the first order destination menu is different from each order destination alternative listed by the second order destination menu—paragraph 48 of this application as published.

--Order destinations each selected from the group consisting of (a) a securities exchange, (b) a market maker, (c) an ECN, and (d) a trading market place—paragraph 11 of this application as published.

Given the effective definition of order destination menu as now set forth in claim 21, that definition standing by itself is believed sufficient to distinguish claim 21 over the Himmelstein and Nordlicht references, since neither reference shows or describes such an order destination menu. For example, as noted above, none of the pulldown menus at 503 and 507 in FIG. 5A of Himmelstein is an order destination menu. Rather those menus merely list portfolio items available for trading.

More fundamentally, neither reference comes close to teaching the concept of displaying a different order destination menu depending on what financial instrument trading symbol is being displayed.

For all of these reasons, it is respectfully submitted that claim 21 is patentably distinguished from the references relied upon by the Examiner.

Claims 22 and 23 are dependent on claim 21 and submitted as patentable on the same basis as claim 21.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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Date

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